

Docket No.: 251010US2SRD/phm

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Takuya KAWAMURA

SERIAL NUMBER: 10/807,321

GROUP: 2618

FILED: March 24, 2004

EXAMINER: WENDELL, ANDREW

FOR: WIRELESS COMMUNICATION APPARATUS, WIRELESS COMMUNICATION  
METHOD, AND COMPUTER PROGRAM

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

MAIL STOP ISSUE FEE  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

SIR:

Applicant acknowledges with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reasons for Allowance in the Notice of Allowance of September 4, 2009, Applicant respectfully submits the following comments.

In the Examiner's Statement of Reasons for Allowance, page 4 of the Notice of Allowance states in part:

Regarding claim 9, method claim 9 is allowed for the same reason as apparatus claim 1 since the recited elements would perform the claimed steps.

The prior art of record fails to teach the claimed subject matter as claimed and substantially connected in claims 9-16.

It is respectfully noted that independent Claim 9 does not include the elements referred to above. For example, Claim 9, being directed to a wireless communication method, does not include a reference to structure as may be implied and/or inferred by the examiner's statement. For example, the claim does not include a reference to "reception unit" or "selection unit" or "transmission unit". Claim 9 is patentable by virtue of the limitations recited therein rather than the structure of the apparatus. Accordingly, it is respectfully


Application No. 10/807,321

Reply to Notice of Allowability of September 4, 2009

submitted that the above-quoted statement does not apply to Claim 9 to the extent the language used in the statement differs from the language of the claims.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.

  
Eckhard H. Kuesters  
Registration No. 28,870

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 07/09)

John Sipos

Registration No. 61,985